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TO: U.S. Patent and Trademark Office
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FROM: Michael R. Barre
RE: *Patent Application No. 09/071,189*
PAGES: *34* (including cover sheet)

COMMENTS: Please find following a list of topics I would like to discuss in our telephone conference at 2:00 E.S.T. on Tuesday, October 17, 2000. In addition, Applicants request the participation of the examiner's supervisor, as a candid examination of those topics will likely lead all involved to agree that the Final Office Action should be vacated.

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Patent Application No. 09/071,189

Topics for Telephone Conference on October 17, 2000

1. Displaying a Touch Pad *In Response To* Detecting a User's Hands

1.1. Claim 1 of the present application explicitly recites that the touch-sensitive pad is displayed "in response to detecting a user's hands positioned at said touch-sensitive area."

1.2. As recognized by the Final Office Action, Ouelette does not teach displaying a touch-sensitive pad in response to detecting a user's hands positioned at a touch-sensitive area.

1.3. The sole reference relied on by the Final Office Action as teaching the claimed feature described above (displaying a touch pad in response to ...) are the following sections of Stephan: col. 5, lines 10-62; col. 11, line 28 through col. 12, line 67.

1.4. The only action that is described in those section as being performed "in response to" something is the movement of a cursor or the scrolling of a page, in response to operator interaction with the permanent touch pad.

1.5. Stephan does not teach displaying the touch pad "in response to" anything.

1.6. Stephan therefore does not teach displaying a touch pad "in response to detecting a user's hands positioned at said touch-sensitive area" (Claim 1).

1.7. The Final Office Action therefore does not make out a prima facie case of obviousness for Claim 1.

2. Concealing the Touch Pad In Response To Detecting That Said User's Hands Are No Longer Positioned at Said Touch-sensitive Input Area

2.1. Claim 2 of the present application explicitly recites that the touch-sensitive pad is "conceal[ed] from view, in response to detecting that said user's hands are no longer positioned at said touch-sensitive input area."

2.2. The sole reference relied on by the Final Office Action as teaching the claimed feature described above (concealing the touch pad in from view in response to ...) is the following section of Ouelette: col. 4, line 61 through col. 5, line 41.

2.3. That section merely describes how "commercially available" touch screen systems convert touch pressure into digital coordinates (col. 5, line 31).

2.4. That section does not teach concealing a touch pad from view under any circumstances.

2.5. Ouelette therefore does not teach concealing a touch pad from view "in response to detecting that said user's hands are no longer positioned at said touch-sensitive input area."

2.6. The Final Office Action therefore does not make out a prima facie case of obviousness for Claim 2.

3. Configuring a Sensitivity Level for the Touch Pad

3.1. Claim 7 of the present application explicitly recites the features of "analyzing physical characteristics associated with said user" and "in response to analyzing said physical characteristics, configuring a sensitivity level for said touch-sensitive keyboard according to said physical characteristics."

3.2. The sole reference relied on by the Final Office Action as teaching the claimed features described above (analyzing physical characteristics of a user and configuring a sensitivity level according to said physical characteristics) are the following sections of Ouelette: Fig. 1; and col. 4, lines 46-67.

3.3. None of the drawings in Ouelette are labeled Fig. 1. References in the Final Office Action and in this document to Fig. 1 should be understood to refer to the drawing which appears only on the front page of the patent.

3.4. Fig. 1 and lines 46-67 of column 4 merely depict and describe a data processing system with a touch-sensitive panel overlaying an output screen, with corresponding touch screen and video display controllers, and with a simulated keyboard displayed at the bottom of the output screen.

3.5. Fig. 1 and lines 46-67 of column 4 say nothing about configuring a sensitivity level for the touch panel.

3.6. Ouelette therefore does not teach "in response to analyzing ... physical characteristics [associated a said user], configuring a sensitivity level for said touch-sensitive keyboard according to said physical characteristics."

3.7. The Final Office Action therefore does not make out a prima facie case of obviousness for Claim 7.